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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,645	09/05/2003	Roland Sacks	SMB-PT084	8110

3624 7590 01/24/2005

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER

DEVORE, PETER T

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No. 10/656,645	Applicant(s) SACKS	
	Examin r Peter T deVore	Art Unit 3751	

-- Th MAILING DATE of this communication app ars on the cover she t with the correspondenc addr ss --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novotny.

The Novotny reference discloses a cleaning device comprising a distributing surface (surface of brush A which spray strip I mounts on), a fluid line K, two profile strips (each starting at the end of fluid line K adjacent brush B and extending to an end of brush B), each profile strip comprising a spray strip I, openings J, and formed section/strip fastener (portion which has snap-on fasteners G), and a cleaning implement (see brush bristles in Figures), but remains silent as to the spray strip material. However, it would have been obvious to fabricate the spray strip out of drawn or extruded plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In *Re Leshin*, 125 USPQ 416.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novotny in view of Garcia.

The Novotny reference discloses a cleaning device as discussed supra, but does not disclose that the profile strips are removably attached to the cleaning implement via a hook and loop connection. However, attention is directed to the Garcia reference, which discloses a similar cleaning device wherein the cleaning implement is removably attached to the device via a hook and loop connection (see col. 1, lines 29-37) for convenient replacement of worn cleaning implements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Novotny cleaning device so that the profile strips are removable attached to the cleaning implement via a hook and loop connection in view of Garcia for convenient replacement of worn cleaning implements.

Response to Arguments

Applicant's arguments filed 11/30/04 have been fully considered but they are not persuasive. Applicant argues in the response page 5, lines 16-18 that the Novotny spray tube is not removable fastened to the cleaning device. However, clamping screws E can be unscrewed for removal of the spray tube (and the rest of frame B) from brush. Applicant argue in the response page 5, line 18-page 6, line 2 that the spray strip being formed of plastic is not anticipated by Novotny. However, the rejection of this feature in the prior office action and this office action is based on obviousness. Applicant argues in the response page 6, lines 4-8 that snap-on connections are not anticipated by Novotny. However, it is the Examiner's position that the pointed studs G act as snap-on fasteners. Applicant argues in the response page 6, lines 13-15 that there is no strip

fastener in Novotny. However, the portion of the Novotny device which has the pointed studs G can be considered a "strip fastener". Applicant argues in the response page 7, lines 2-4 that the Novotny device does not include two profile strips at opposite sides of the distributing surface. However, as described in the rejection above, the Novotny device can be considered to have two profile strips at opposite sides of the distributing surface. Applicant argues in the response page 8, lines 3-8 that there is no suggestion of placing hook and loop fasteners on profile strips that are removably connected to the distributing surface. However, as the snap-connection of the unmodified Novotny device is between the spray strip and the distributing surface, the most obvious place to substitute a hook and loop fastener would be between the spray strip and the distributing surface.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

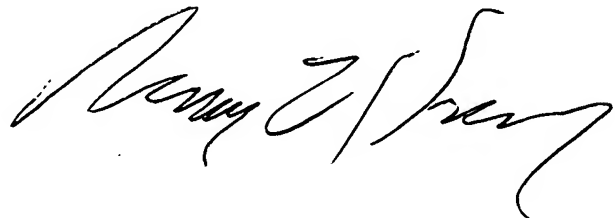
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter T deVore whose telephone number is (703) 306-5481. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pd *pd*



GREGORY L. HUSON
SUPERVISOR, PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 3700